

*Canadian
Licensed Engineer
V2M 120*

(Extract from the CANADA GAZETTE (Part II) of Wednesday,
June 9, 1949.)



SOR/48-221

Aeronautics Act—The Air Regulations

P.C. 2129

AT THE GOVERNMENT HOUSE AT OTTAWA

TUESDAY, the 11th day of May, 1948.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Transport and pursuant to the provisions of the Aeronautics Act, Chapter 3 of the Revised Statutes of Canada, 1927, is pleased to approve and doth hereby approve the revocation by the Minister of Transport of the Air Regulations, 1938, which were established by Order in Council P.C. 1433 of June 23, 1938, and the substitution therefor by the said Minister of the attached "The Air Regulations".

A. D. P. HEENEY,

Clerk of the Privy Council.

THE AIR REGULATIONS

PART I

SHORT TITLE AND INTERPRETATION

1. These regulations may be cited as The Air Regulations.
2. (1) In these regulations, unless the context otherwise requires:
 - (a) "Minister" means the Minister of Transport.
 - (b) "aircraft" comprises all machines which can derive support in the atmosphere from reactions of the air.
 - (c) "aerodyne" means an aircraft whose support in flight is derived dynamically from the reaction on surfaces in motion relative to the air.

- (d) "aeroplane" means a mechanically driven aerodyne supported in flight by aerodynamic reactions on surfaces remaining fixed under the same conditions of flight.
- (e) "aerostat" means an aircraft supported in the air statically.
- (f) "airship" means a mechanically driven aerostat with means of directional control.
- (g) "glider" means an aerodyne not mechanically driven supported in flight by aerodynamic reactions on surfaces remaining fixed under the same conditions of flight.
- (h) "balloon" means an aerostat (free or captive) not mechanically driven.
- (i) "aerodrome" means an area of land or water or other supporting surface normally used for the arrival and departure of aircraft.
- (j) "airport" means an aerodrome designated by the Minister as such and constituting a centre for aerial traffic and containing installations necessary for such traffic.
- (k) "Customs airport" means an airport appointed by the Minister with the concurrence of the Minister of National Revenue and the Minister of Mines and Resources as an airport at which aircraft from abroad may alight, and from which aircraft bound abroad may take off.
- (l) "flying" or "in flight" in relation to an aircraft means that the aircraft is off every supporting surface.
- (m) "taking off" in relation to an aircraft means the act of abandoning the support of a surface capable of supporting it and includes the immediately preceding and following acts; in relation to an airship or balloon it means the act of freeing the airship or balloon from restraint, and includes the immediately preceding and following acts.
- (n) "alighting" in relation to an aircraft means the act of coming in contact with a surface capable of supporting aircraft, and includes the immediately preceding and following acts; in relation to an airship or free balloon it means the act of bringing the airship or free balloon under restraint, and includes the immediately preceding and following acts.
- (o) "pilot" in relation to an aircraft includes the person in charge thereof.
- (p) "Air Engineer" means a person who is the holder of an Air Engineer's Certificate issued by the Minister authorizing him to act as therein specified.
- (q) "Airport Traffic Control Officer" means a person who is the holder of an Airport Traffic Control Officer's Certificate issued by the Minister authorizing him to act as therein specified.
- (r) (1) "state," in relation to aircraft, means that the aircraft belongs to and is exclusively employed in the service of the Dominion of Canada, of one of the Provinces of Canada, or of some other of His Majesty's dominions.
(2) All state aircraft other than military, customs and police aircraft shall be treated as "commercial" aircraft, and as such shall be subject to all the provisions of these regulations.
- (s) "commercial aircraft" means an aircraft operated or available for operation for remuneration or reward.

- (t) "owner" when used with reference to an aircraft, means the person in whose name the aircraft is registered, and includes any person in possession of an aircraft under a contract providing that the ownership, title and property therein is to vest in him at a subsequent time upon payment of the whole or part of the price or the performance of any other condition, except when such aircraft is under *bona fide* lease or hire to some other person and is under the control of and being operated by such other person, when and in which event the lessee or hirer shall be deemed to be and shall be the owner of such aircraft within the meaning of these regulations.
 - (u) "operator" when used with reference to an aircraft, means the person who is in possession or control of the aircraft, whether as owner, lessee, hirer, or otherwise, and includes the pilot or person in charge thereof.
 - (v) "operator" when used with reference to an airport, means the holder of the airport licence, and includes the person in charge of such airport, whether the employee, agent or representative of the holder of the airport licence.
 - (w) "acrobatics" means any aerial manoeuvres voluntarily accomplished other than those which are carried out in the course of normal right or necessitated by an emergency or abnormal flight conditions.
 - (x) "Contracting State" means any state which is, for the time being, a party to the International Convention relating to Air Navigation, and these regulations shall apply to aircraft possessing the nationality of a state in respect of which state a derogation to His Majesty in the right of the Dominion of Canada has been granted under the protocol, as they apply to aircraft possessing the nationality of a contracting state.
 - (y) "night" means between half an hour after sunset and half an hour before sunrise, except in flights beyond Canada when it means between sunset and sunrise.
 - (z) "Scheduled Air Transport Service" means a service on which aircraft are operated regularly between two or more airports at prearranged specified times of arrival and departure.
- (2) The Interpretation Act (R.S.C. 1927, c. 1) shall apply to the interpretation of these regulations.

PART II

Section I

REGISTRATION AND MARKING

1. (1) No aircraft shall be flown unless it has been registered as herein provided and bears the prescribed nationality and registration marks.

(2) This paragraph does not apply to aircraft duly registered in some other state or a foreign country with which Canada has made a Convention relating to interstate flying.

2. Subject as hereinafter provided, the Minister may define the conditions under which, and the mode in which aircraft may be registered in Canada.

3. No aircraft shall be registered in Canada unless (a) it is a civil aircraft owned by a British subject or subjects or by a company or corpora-

tion created or incorporated under and subject to the laws of any part of His Majesty's dominions, of which the president or chairman and two-thirds or more of the directors and other managing officers thereof are British subjects and in which at least seventy-five per centum of the voting interest is owned or controlled by British subjects, or unless (b) it is a civil aircraft owned by His Majesty in the right of Canada or of any of the Provinces of Canada or of any other of His Majesty's dominions.

4. No aircraft shall be registered in Canada while it is registered in any other of His Majesty's dominions, or in any foreign country, but it may be registered in Canada upon cancellation of an earlier registration in such other dominion or foreign country.

5. No aircraft shall be registered in Canada unless either it has been built or made in Canada or any customs duties which are or would become payable upon the importation of the aircraft into Canada have been paid.

6. (1) Upon every registration in Canada the Minister shall assign to the registered aircraft a registration mark and shall grant a certificate of registration for which there shall be payable a fee of five dollars.

(2) In the event of any change in the ownership of an aircraft registered in Canada, then

(a) the registration and certificate thereof shall lapse as from the date of such change of ownership, and

(b) the registered owner shall forthwith notify the Minister.

7. (1) When a registered aircraft has been destroyed or permanently withdrawn from use, the registered owner shall forthwith notify the Minister accordingly, and the registration and certificate thereof shall lapse as from the date of such notification.

(2) Certificates of registration shall not remain valid unless endorsed by the Minister at intervals not exceeding twelve calendar months.

8. (1) It shall be a condition of the registration in Canada of any aircraft that, upon the Governor in Council declaring that a national emergency exists or is immediately apprehended, every such aircraft shall be subject to requisition in the name of His Majesty by the Minister or any officer of the Royal Canadian Air Force, and upon being so requisitioned shall become the property of His Majesty subject to its return or the payment of compensation or to both as may be provided by law.

(2) The registration in Canada of any aircraft registered in any of His Majesty's dominions other than Canada shall be subject to the like condition unless, under the law of that one of His Majesty's dominions in which the aircraft was registered, it is subject to a paramount right to be requisitioned on His Majesty's behalf.

9. Any certificate of registration of an aircraft may be suspended or cancelled at any time by the Minister for cause.

10. (1) Except aircraft flown only for the purpose of experiment or test wholly within Canada, no aircraft shall be registered until it shall have been certified as airworthy by the Minister.

(2) Every aircraft entering Canada from abroad shall be in possession of a certificate of airworthiness issued by the proper authority of the foreign country or of the Dominion, Colony or Possession of His Majesty in which it is registered.

11. (1) Certificates of airworthiness may be issued by the Minister, and may be limited to flying in specified areas, on specified routes, for specified periods, and upon compliance with specified conditions.

(2) Certificates of airworthiness shall not remain valid unless endorsed by the Minister at intervals not exceeding twelve months.

(3) Aircraft in respect of which a certificate of airworthiness has been issued, under these regulations, may be inspected, at any time by an authorized representative of the Minister, and the Minister may, as a result of such inspection, cancel or suspend the certificate of airworthiness of any aircraft deemed to be unsafe.

(4) Any certificate relating to the airworthiness of an aircraft may be cancelled or suspended at any time by the Minister for cause.

12. A fee of five dollars shall be payable for a certificate of airworthiness of an aircraft conforming to a type an example of which has been certified as airworthy in any of His Majesty's dominions or in any foreign country with which Canada has made a convention providing for the reciprocal acceptance of certificates of airworthiness. A fee of twenty-five dollars shall be payable for a certificate of airworthiness to any other aircraft.

Section II

MAINTENANCE

N/B
13. The nationality and registration marks shall be displayed to the best possible advantage, taking into consideration the constructional features of the aircraft. The marks must always be kept clean and visible.

PART III

AIRPORTS

1. No area of land or water shall be used as an airport unless it has been licensed as herein provided.

2. Licences to airports may be issued by the Minister and may be made subject to such conditions respecting the aircraft which may make use of the airport, the maintenance thereof, the marking of obstacles in the vicinity which may be dangerous to flying and otherwise, as the Minister may direct.

3. A fee of ten dollars shall be payable for a licence for an airport.

4. The licence of an airport may be suspended or cancelled by the Minister at any time for cause and shall cease to be valid two weeks after any change in the ownership of the airport, unless sooner renewed to the new owner.

5. Every licensed airport shall be marked by day and by night as may be from time to time directed by the Minister.

6. The operator of any licensed airport shall be permitted to charge for the use of the airport or for any services performed only such fees as have been approved by the Minister for such airport. The tariff shall be prominently posted up at the airport.

7. (1) No person shall without authority of the Minister—

(a) mark any unlicensed surface or place with any mark or display any signal calculated or likely to induce any person to believe that such surface or place is a licensed airport;

(b) knowingly use or permit the use of an airport for any purposes other than those for which it has been licensed.

(2) The onus of proving the existence of any authority or licence shall be upon the person charged.

8. No water-craft shall cross or go upon that part of the water area forming part of any airport which it is necessary to keep clear of obstruction in order that aircraft may take off and alight in safety, having regard to the wind and weather conditions at the time, and every person in charge of a water-craft is guilty of a breach of these regulations if such craft crosses or goes upon such area after reasonable warning by signal or otherwise.

9. There shall be kept at every licensed airport a register in which there shall be entered immediately after the alighting or taking off of an aircraft a record showing the nationality and registration marks of such aircraft, the name of the pilot, the hour of such alighting or taking off, the last point of call before such alighting and the intended destination of the aircraft.

10. (1) Every licensed airport, and all aircraft and the goods therein shall be open to the inspection of any customs officer, immigration officer, officer or person holding or named in any Writ of Assistance or any officer of or other person authorized by the Minister, but no building used exclusively for purposes relating to the construction of aircraft or aircraft equipment shall be subject to inspection except upon the written order of the Minister.

(2) All state aircraft shall have at all reasonable times, the right of access to any licensed airport, subject to the conditions of the licence.

11. It shall be a condition of every licence to any airport that in case the Governor in Council declares that a national emergency exists or is immediately apprehended the owner of such airport shall comply with such directions, if any, with respect to the use of the airport as may be given by the Minister or an officer of the Royal Canadian Air Force, subject only to the payment of such compensation as may be provided by law.

12. The operator of a licensed airport may remove or cause to be removed from the water surface of such airport any logs or any other floating obstruction or obstacle which, in his opinion, constitute a menace to the safe operation of aircraft, and may convey or cause to be conveyed such logs or any thing causing or forming part of such obstruction or obstacle to such place as he thinks proper and to be there disposed of in the following manner:—

- (a) Where the owner of the logs or other thing causing or forming such obstruction or obstacle is known, one month's notice in writing shall be given by registered post to the owner advising him of the amount of the cost incurred in removing and storing the logs or other thing and requiring the owner to pay such amount and take away the logs or other thing. In the event of failure on the part of the owner to pay the amount of such cost or to take away such logs or other thing within the time specified in the notice, the logs or other thing may be sold, disposed of or destroyed in such manner as the Minister deems advisable, and the proceeds of any sale, after deducting the expenses thereof, shall be applied to make good the expense incurred by the operator in removing and storing the logs or other thing and any surplus shall be paid to the owner.
- (b) Where the owner of the logs or other thing causing or forming such obstruction or obstacle is not known, the logs or other thing may be sold, disposed of or destroyed in such manner as the Minister deems advisable, and the proceeds of any sale, after deducting the expenses thereof, shall be applied to make good the

expense incurred by the operator in removing and storing the logs or other thing, and any surplus shall be paid to the Receiver General of Canada to form part of the Consolidated Revenue Fund.

PART IV

PERSONNEL

- NB
1. (1) No person shall act—
 - (i) as pilot of any aircraft, or
 - (ii) as engineer or inspector of any commercial aircraft, or
 - (iii) as pilot, engineer or inspector of any aircraft registered in Canada when flying outside Canada, or
 - (iv) as airport traffic control officer unless such person holds a certificate issued by the Minister authorizing him so to act.
 - (2) This paragraph shall not apply,
 - (a) to persons under instruction flying over water or, with the consent of the owner or owners, over an aerodrome and such additional surrounding area as is approved by the Minister, or
 - (b) to pilots and engineers of aircraft registered in another contracting state, or a foreign country with which Canada has made a convention relating to interstate flying, who hold licences authorizing them to act as such, issued by the proper authority in the contracting state or foreign country in which the aircraft is registered.
 2. (1) Certificate to pilots and engineers may be issued by the Minister and may be limited in time and to flying only under specified conditions, for specified purposes, in specified types of aircraft, on specified routes or otherwise.
 - (2) Licences issued by a competent authority within His Majesty's Dominions, Colonies or Possessions, to a pilot or engineer, shall for the purpose of these regulations have the same validity and effect as if they had been issued under these regulations.
 3. Certificates to inspectors may be issued by the Minister and may be limited in time, to specified types of aircraft, or otherwise.
 4. A fee not exceeding five dollars may be charged for any certificate issued under this Part.
 5. No person who is not a British subject or a subject of a foreign country which grants reciprocal aeronautical privileges to Canadians on equal terms and conditions with subjects of such foreign country shall be issued with a certificate authorizing him to act as pilot, engineer, or inspector of commercial or state aircraft.
 6. A certificate issued to any pilot, engineer, inspector or airport traffic control officer may be suspended or cancelled at any time by the Minister for cause, including the failure to comply beyond Canada with the provisions of these regulations.

PART V

RULES AS TO LIGHTS AND SIGNALS RULES FOR AIR TRAFFIC

Definitions

For the purposes of the present Part:

- (a) An aircraft shall be deemed to be "on the surface of the water" when any part of such aircraft is in contact with the water;
- (b) An aircraft in the air or on the surface of the water shall be deemed to be "under way" when it is not moored to the ground or to any fixed object on the land or in the water;
- (c) An aircraft under way in the air or on the surface of the water shall be deemed to be "making way" when it has a velocity relative to the air or water respectively;
- (d) An aircraft shall be considered as not being "under control" when it is unable to execute a manoeuvre as required by this Part or by the International Regulations for Preventing Collisions at Sea;
- (e) The word "visible" when applied to lights shall mean visible on a dark night with a clear atmosphere. The angular limits laid down in this Part, as shown in Section I below, shall be determined when the aircraft is in its normal attitude for flying on a rectilinear horizontal course;
- (f) The term "plane of symmetry" applied to an aircraft means the plane of symmetry passing through the longitudinal axis of the aircraft.

Section I

LIGHTS AND VISUAL SIGNALS TO BE DISPLAYED BY AIRCRAFT

A.—General

1. All lights required by these regulations to be displayed by aircraft shall be so displayed in all weathers at night. During such time no lights capable of being mistaken for the lights prescribed in Part B of this Section other than those authorized by the International Convention for Air Navigation shall be exhibited. The lights prescribed in Part B of this Section must not be dazzling.

- 2. (a) In the event of the failure of any light which is required in Part B of this Section to be displayed by aircraft in flight, the aircraft concerned shall if the light cannot immediately be repaired or replaced, not take off again until such light has been repaired or replaced;
- (b) Where, owing to the difficulty of producing lamps to meet the requirements specified in Part B of this Section as regards sector lights, an overlap of these lights is unavoidable, it shall be kept as small as possible; there shall be no sector in which no light is visible.

3. Nothing in the rules of this Section shall interfere with the operation of any special rules made with respect to the additional signal or station

lights for military aircraft, aircraft exclusively employed in State service, or aircraft in group formation, or with the exhibition of recognition signals adopted by owners of aircraft, with the authorization of the Governor in Council.

B.—*Lights and Visual Signals to be Displayed by Aircraft*

1. *Mechanically Driven Aerodynes*

4. Every mechanically driven aerodyne in the air, on the landing area of a land aerodrome or under way on the surface of the water, shall display the following lights:—

- (a) On the right side, a green light, fixed so as to show an unbroken light throughout a dihedral angle of 110° formed by two vertical planes, one of which is parallel to the plane of symmetry of the aircraft and directed dead ahead, and the other is directed to the right; this light must be visible at a distance of at least two miles;
- (b) On the left side, a red light, fixed so as to show an unbroken light throughout a dihedral angle of 110° formed by two vertical planes, one of which is parallel to the plane of symmetry of the aircraft and directed dead ahead, and the other is directed to the left; this light must be visible at a distance of at least two miles;
- (c) At the rear, a white light, fixed so as to show astern an unbroken light throughout a dihedral angle of 140° formed by two vertical planes and bisected by the plane of symmetry of the aircraft; this light must be visible at a distance of at least three miles.

In cases where, in order to fulfil the conditions of this paragraph, the single light has to be replaced by several lights, the field of visibility of each of these lights shall be so limited that only one of them can be seen at a time.

In the case of an aerodyne with a maximum span of less than sixty-five feet, the lights prescribed in this paragraph may be combined in one or more lamps placed centrally, provided that the conditions of this paragraph as to colour and visibility are fulfilled.

NB
5. Every mechanically driven aerodyne, whether at anchor or moored on the surface of the water, shall display where it can best be seen, a white light visible all round the horizon at a distance of at least one mile.

2. *Gliders and Free Balloons*

- 6. (a) In all cases in which, under the rules of this Section, mechanically driven aerodynes are required to display lights, gliders shall display a red light visible so far as practicable in all directions;
- (b) A free balloon shall display a red light placed at least 16 feet and at most 32 feet below the basket and visible, so far as practicable in all directions, at a distance of at least two and a half miles.

3. *Captive Balloons and Kites*

- 7. (a) A captive balloon or a kite, when flown at an altitude exceeding 200 feet above the ground, or at any altitude if it is less than three miles from an aerodrome or from a recognized air route, shall

display a white light placed twelve feet vertically above a red light, these lights to be visible, so far as practicable in all directions, at a distance of at least two and one-half miles. The white light shall be placed at least 16 feet and at most 32 feet below the basket or, if there is no basket, below the lowest part of the balloon or kite. From the mooring cable shall be displayed, at intervals of 1,000 feet measured from the group of two lights prescribed in this sub-paragraph, similar groups of two lights, white and red. If the lowest group of lights is obscured by clouds, one additional group shall be displayed below the cloud base;

In addition, the position of the object to which the balloon or kite is moored on the ground shall be marked by a group of three flashing lights arranged on a horizontal plane at the apexes of a triangle approximately equilateral and measuring at least 82 feet on each side; the side of this triangle, perpendicular to the horizontal projection of the cable, shall be delimited by two red lights; the third light shall be a green light placed opposite the direction of the cable;

- (b) By day the mooring cable of a captive balloon shall have attached to it, at intervals of not more than 650 feet measured from the basket or, if there is no basket, from the lowest part of the balloon, tubular streamers not less than 16 inches in diameter and 7 feet long, and marked with alternate bands of white and red, 20 inches in width;
- (c) By day the mooring cable of a kite shall be marked in the manner prescribed in sub-paragraph (b) above for a captive balloon, or else by streamers of stout paper at intervals of 300 feet measured from the lowest part of the kite. Such streamers, which shall be at least 31 inches long and at least 12 inches wide in their widest part, shall be marked with alternate bands of white and red, 4 inches in width;
- (d) By way of exception to the rules of this paragraph, captive balloons and kites used for meteorological observations, which, owing to their insufficient static lift, cannot display the lights and signals prescribed in this paragraph, may be flown, but only over areas which are notified as danger areas by notices to airmen. In every case, the position of the object to which the balloon or kite is moored to the ground shall be marked as provided in this paragraph.

4. *Airships*

8. Except as provided in paragraph 9 below, an airship when under way shall display the following lights:

- (a) Forward, a white light, fixed so as to show forward an unbroken light throughout a dihedral angle of 220° formed by two vertical planes and bisected by the plane of symmetry of the aircraft; this light must be visible at a distance of at least 5 miles;
- (b) On the right side, a green light, fixed so as to show an unbroken light throughout a dihedral angle of 110° formed by two vertical planes, one of which is parallel to the plane of symmetry of the aircraft and directed dead ahead, and the other is directed to the right; this light must be visible at a distance of at least 5 miles;
- (c) On the left side, a red light, fixed so as to show an unbroken light throughout a dihedral angle of 110° formed by two vertical

planes, one of which is parallel to the plane of symmetry of the aircraft and directed dead ahead, and the other is directed to the left; this light must be visible at a distance of at least 5 miles;

- (d) At the rear, a white light, fixed so as to show astern an unbroken light throughout a dihedral angle of 140° formed by two vertical planes and bisected by the plane of symmetry of the aircraft; this light must be visible at a distance of at least 3 miles.

In cases where, in order to fulfil the conditions of this paragraph, the single light has to be replaced by several lights, the field of visibility of each of these lights shall be so limited that only one can be seen at a time.

9. An airship which is under way and which is not under control (or which has voluntarily stopped its engines), or which is being towed, shall display the forward and rear lights specified in sub-paragraphs (a) and (d) of paragraph 8 above and, in addition, below the airship, two red lights placed vertically one below the other, 13 feet apart, the top light being 26 feet below the control car, and both visible, so far as practicable in all directions, at a distance of not less than two and one-half miles.

In addition, it shall, if making way, but not otherwise, display the side lights described in sub-paragraphs (b) and (c) of paragraph 8 above.

By day, it shall display two black balls or shapes, each at least 24 inches in diameter, placed vertically one below the other 13 feet apart, the upper one being 26 feet below the control car, and both visible so far as practicable in all directions. Where necessary, to comply with these conditions, these signals may be duplicated.

- 10. (a) An airship when moored to a mooring mast shall display at or near the rear a white light visible, so far as practicable in all directions, at a distance of at least 3 miles;
- (b) Every airship moored to the ground or the surface of the water by a cable shall display forward the white light described in sub-paragraph (a) of paragraph 8 of this Part and at the rear the white light described in sub-paragraph (d) of paragraph 8 of this Part. In addition, the airship and the mooring cable shall be lighted or marked in accordance with the requirements of paragraph 7 of this Part for a captive balloon.
- (c) An airship while picking up its mooring, although considered as being under way and not being under control, shall, however, display only the lights prescribed in paragraph 8 of this Part, until it is finally made fast.

Section II

GROUND MARKINGS AND SIGNALLING

A.—General

11. The meanings given to the various markings, lights and signals in this Section are reserved to them exclusively.

The location of the ground signals and signal areas provided for in Part B of this Section, at aerodromes open to public use, should as far as possible be indicated in notices to airmen and in plans of aerodromes which are published.

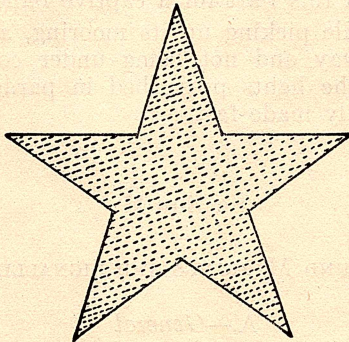
B.—Ground Markings

Lights and Signals on and in the Vicinity of Aerodromes Open to Public Use

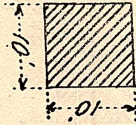
12. At every land aerodrome open to public use, the boundaries of the landing area shall, by means of suitable markings, be rendered clearly visible both to aircraft in the air and to aircraft manoeuvring on the landing area. In addition, a circle marking may be placed on the landing area. All obstructions existing on a landing area shall be clearly marked. In case part of the marked landing area should become unfit for use, this part shall be delimited by clearly visible markings or flags, and may, in addition, be indicated by one or more clearly visible crosses.

13. At every aerodrome open to public use:

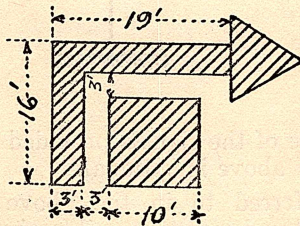
- (a) (1) The direction of the wind at the landing area shall be clearly indicated by one or more of the recognized methods, e.g., conical streamers, smudge fire, etc.;
- (2) If there is a landing T, it shall be used to indicate the compulsory direction for landing and taking off, even should such direction not correspond to the direction of the wind. Normally, the T shall be so placed that the long arm lies along the direction of the wind, with the cross arm set at that end of the long arm from which the wind is blowing. In the event of there being no wind or a slight irregular wind, the T shall be fixed in the direction in which the landing or departure is to be made, and the fact that it is fixed shall be signalled by the presence of a ball, mounted on a mast on the signal area and clearly visible both to aircraft in flight and to those manoeuvring on the landing area;
- (b) When, by way of exception, at certain aerodromes, the landing area is regarded as divided into two approximately equal zones, one for departure and the other for landing, as provided for in paragraph 43 of this Part, this special arrangement must be indicated by a full star of five points (constituted by a regular non-convex pentagon which could be inscribed in a circle of not less than 50 feet diameter).



- (c) (1) When in conformity with paragraph 35 of this Part, the Minister suspends wholly or partially, in respect of a given aerodrome, the application of the special rules for air traffic mentioned in Section V of the said Part, such suspension shall be indicated by a red square panel, each side of which measures at least 10 feet, placed horizontally;

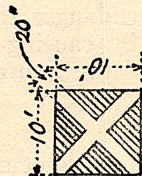


(2) If, during such suspension, it is prescribed among other things that circuits outside the landing area and those for taking off and landing, which are referred to in paragraph 37 (b) and 41 of this Part, are to be right-handed, the red square panel, prescribed in sub-paragraph (c) (1), above, shall, along two of its sides, be bordered by a red rectangular panel at least 3 feet in width, separated from the central panel by at least 3 feet. At the extremity of one of the rectangular panels shall be placed a red triangle so as to indicate that the direction of the circuit is right-handed;

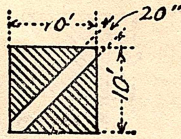


(3) If, however, the only object of the suspension is that circuits should be right-handed, the red square panel shall not be displayed.

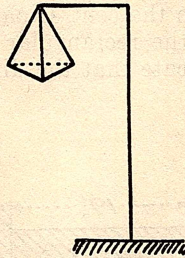
- (d) (1) When special circumstances call for a prohibition to land liable to be prolonged, use shall be made of a red square panel, placed horizontally, each side of which measures at least 10 feet and the diagonals of which are covered by yellow strips at least 20 inches in width, arranged in the form of an X;



(2) When the bad state of the landing area or any other reason calls for the observance of certain precautions in landing, use may be made of a red square panel, placed horizontally, each side of which measures at least 10 feet and one of the diagonals of which is covered by a yellow strip at least 20 inches in width;



(3) When a landing by means of a radio-electric guide is taking place, the fact may be signalled by hoisting on a mast a yellow triangular equilateral pyramid, each side of which measures at least 7 feet;



- (4) The use of the signals provided for in subparagraphs (d) (2) and (d) (3) above is optional.
- (e) The signals referred to in the above sub-paragraphs of this paragraph shall, whenever possible, be displayed in a special part of the aerodrome selected as a signal area; by way of exception, the wind indicators and the landing T referred to in subparagraph (a) of this paragraph may be located elsewhere.
- (f) During periods of poor visibility, the lights existing for night lighting shall be operated by day, whenever possible and in so far as necessary.

14. I. At every aerodrome open to public use and used for night flying, the following provisions shall apply during the working hours of the night service:

(a) Dangerous lights.

No lights shall be exhibited at or in the neighbourhood of an aerodrome which may endanger the safety of aircraft, whether by reason of glare, or by causing confusion with or preventing clear visual reception of the lights or signals prescribed in this Part.

(b) Aerodrome beacon.

The position of the aerodrome may be indicated by a luminous beacon.

II. At every land aerodrome open to public use and used for night flying, the following provisions shall apply during the working hours of the night service:

(a) Lighting of obstructions.

Fixed red lights shall be exhibited:

(1) On all obstructions within the landing area which constitute a danger to aircraft in motion on the landing area;

(2) As far as possible, on all obstructions within 1 mile of the boundary of the landing area and constituting a danger to aircraft approaching or leaving the aerodrome in a normal manner. In case it should be impossible to exhibit fixed red lights on such obstructions, their horizontal projection and the centre of the obstructions shall, as far as possible, be clearly indicated by synchronized red flashing or occulting lights, placed on a level with or near to the ground.

(b) Lighting of landing T and of wind indicators.

The landing T, if used, and at least one of the wind indicators shall be illuminated with fixed lighting, preferably white.

(c) Lighting of signals.

The signals displayed in the signal area shall be suitably illuminated.

(d) Lighting of landing area.

(1) The landing area or the part thereof on which landings should be made shall be illuminated by a floodlight or floodlight system during landing manœuvres;

(2) In default, one of the following methods may be used:

First Method: A line of lights spaced 165 feet apart shall be laid out on the ground, consisting of a central section of six white lights to indicate that landings should be made on the adjacent portion of the landing area and on either side of this line, with at least two green lights at one end, and at least two red lights at the other end to indicate that landings should be made from the direction of the green lights towards the red lights.

Second Method: Lights shall be laid out on the ground in the form of a T, the long arm of which shall be composed of at least four lights in a line not less than 820 feet in length. The light at the foot of the T shall indicate the place where the aerodyne should first make contact with the ground and the cross arm of the T shall indicate the place where it should finish its run. Landings may be made on either side of the long arm of the T, but always parallel to that arm; in the event, however, of the area situated on either side of the long arm becoming obstructed, the light indicating the cross arm on that side shall be removed and landing shall be effected on the opposite side.

The direction of landing and take off will be given by the two alternative methods referred to above; the landing T referred to in sub-paragraph 2 of paragraph 13 of this Part shall not, therefore, be used.

(e) Approach lighting.

The most favourable sectors of approach to the landing area may be indicated by green lights.

(f) Boundary lighting.

The boundary of the landing area shall be marked by fixed white or yellow lights, normally laid out 300 feet apart.

Provided that:

(1) When local conditions render unavoidable the use of gas boundary lights, they may be given an intermittent character.

III. At every water aerodrome open to public use and used for night flying, the rules provided in sub-paragraph II of this paragraph shall equally apply, except in cases of obvious impossibility.

C.—*Distress, Urgency and Safety Signals*

15. I. The following general provisions apply to all distress, urgency and safety signals:

- (a) The signals referred to in this paragraph may be transmitted only with the authorization of the commander or person responsible for the aircraft;
- (b) When these signals are sent by radiotelegraphy or radiotelephony, the group or spoken expression shall be sent three times and followed by the group DE and the call sign, also sent three times, of the station which sends it. In the case of "safety" messages, the frequency to be employed is that for "distress" messages.

II. Distress signals.

When an aircraft is threatened by grave and imminent danger and requests immediate assistance, the following signals shall be used or displayed, either together or separately, before the sending of a message

(a) By radiotelegraphy:

The signal - - - — — — - - - (See Note (1)).

(b) By radiotelephony:

The spoken expression "MAYDAY" (corresponding to the French pronunciation of the expression "m'aider").

(c) By visual signalling:

(1) The signal - - - — — — - - - with signalling apparatus.

(2) A succession of red pyrotechnical lights fired at short intervals.

(3) The two-flag signal corresponding to the letters NC of the International Code of Signals (See Note (2)).

(4) The distant signal, consisting of a square flag having, either above or below it, a ball or anything resembling a ball (See Note (2)).

(d) By sound signalling:

(1) The signal - - - — — — - - - with any sound apparatus.

(2) A continuous sounding with any sound apparatus (See Note (2)).

NOTE (1).—When the signal II (a) above is sent by radiotelegraphy on 500 kc/s (600 m.), it shall, when possible, in order to be received by automatic maritime apparatus, be followed by the automatic alarm signal consisting of a series of twelve dashes of four seconds each, separated by an interval of one second.

NOTE (2).—The signals II (c) (3), II (c) (4) and II (d) (2) above are normally for use by seaplanes on the surface of the water, but they may also be used by aircraft in the air.

III. Urgency signals.

(a) When an aircraft wishes to give notice of difficulties which compel it to land without requiring immediate assistance, the following signals shall be used, either together or separately, before the sending of a message:

(1) By radiotelegraphy:

The group PAN, the letters of which must be well separated so that the signals AN may not be transformed into one signal P.

(2) By radiotelephony:

The spoken expression PAN (corresponding to the French pronunciation of the word "panne").

In cases where, owing to the rapidity of the manoeuvres to be executed, the aircraft is unable to transmit the intended message by radiotelegraphy or radiotelephony, the signal PAN not followed by a message retains this meaning.

(3) By visual signalling:

By day: A succession of white pyrotechnical lights.

By night: A succession of white pyrotechnical lights, or a succession of short and intermittent flashes with the navigation lights.

- (b) When an aircraft has a very urgent message to transmit concerning its own safety, or that of an aircraft, ship or vehicle, or the safety of any person on board or within sight, the following signals shall be used, either together or separately, before the sending of the message. As a general rule they are addressed to a specific authority.

(1) By Radiotelegraphy:

The group XXX;

The letters of each group and the successive groups shall be clearly separated from each other.

(2) By visual signalling:

Either a succession of green pyrotechnical lights; or a succession of green flashes with signalling apparatus.

IV. Safety signals.

When an aircraft is about to transmit a message concerning the safety of navigation or giving important meteorological warnings, the following signals shall be used, either together or separately, before the sending of a message:

- (a) By radiotelegraphy:

The group T T T;

The letters of each group and the successive groups shall be clearly separated from each other.

- (b) By radiotelephony:

The French word "SECURITE" (to which correspond in English pronunciation the syllables SAY-CURE-E-TAY).

- (c) By visual signalling:

International visual signalling procedure, by signalling apparatus or flags.

D.—Other Signals to or From Aircraft.

16. At aerodromes open to public use:

- (a) By day and by night, when there is an officer controlling the traffic, he shall, except as permitted by sub-paragraph (b) of this paragraph, use the following visual signals:

(1) To authorize movement on the landing area, but excluding authorization to take off, he shall direct at the aircraft an intermittent green luminous beam.

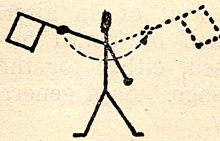
(2) To authorize taking off, he shall direct at the aircraft a continuous green luminous beam.

(3) To prohibit taking off or any movement on the landing area, he shall direct at the aircraft an intermittent red luminous beam.

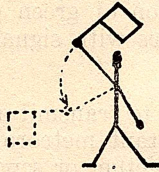
The signals (a) (1), (a) (2) and (a) (3) above may be preceded by the last three letters of the registration group of the aircraft to which the signal is addressed; these three letters shall be sent in the International Morse Code, by using a luminous beam of the same colour as the signal which is to be sent.

(b) By day, when there is on the landing area an officer controlling the traffic, he may use the following signals:

(1) To authorize movement on the landing area, but excluding authorization to take off, he shall wave a small white or green flag in the direction to be followed:



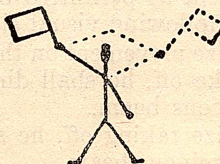
(2) To authorize taking off, he shall lower a small white or green flag in the direction of taking off;



(3) To prohibit taking off or movement towards the taking off point, he shall raise a small red flag;



(4) To prohibit landing, he shall wave a small red flag vertically above his head.



- (c) An aircraft wishing to land at night, without being compelled to do so, on an aerodrome having a ground control, shall, before landing, ask permission by a signal made either by radiotelegraphy or radiotelephony or by means of a lamp or a projector, the use of the navigation lights for this purpose not being permissible.

The visual signal, sent by International Morse Code, shall be composed of the last three letters of the registration group of the aircraft; this signal shall be repeated for as long as may be necessary.

The reply will be given from the ground to the aircraft either by radiotelegraphy or radiotelephony or by visual signal, it being understood that when permission has been asked by visual signal the reply shall always be by visual signal. The visual signal shall consist of a repetition of the same three-letter sign made with the signalling lights of the aerodrome.

These signalling lights shall be constituted either by a group of lights arranged on a horizontal plane at the apexes of an equilateral triangle, each side of which measures from 3 to 10 feet, or by a luminous beam directed at the aircraft.

The colour green shall be used to give permission to land and the colour red to prohibit landing.

17. At every aerodrome, the firing of a red pyrotechnical light or the display of a red flare from the ground, whether by day or by night and notwithstanding any previous permission, shall be taken as an instruction to aircraft in flight that they are not to land for the moment and to aircraft manoeuvring on the landing area that they are to stop moving.

At aerodromes provided with the triangular device provided for in paragraph 16 (c) above, the emission by such device of intermittent red lights shall, whether by day or by night and notwithstanding any previous permission, instruct aircraft in flight that they are not to land for the moment.

18. To require an aircraft to land, the following signals shall be used:

- (a) By day: a series of projectiles discharged at intervals of ten seconds, each showing, on bursting, black smoke.
(b) By night: a series of projectiles discharged at intervals of ten seconds, showing, on bursting, black smoke, white lights or stars.

In addition, if it is necessary to distinguish, amongst several, the aircraft which is to land, an intermittent white luminous beam shall be directed at that aircraft.

Provided that, when the authority who desires to give the order to land is able to establish a radio-electric communication with the aircraft, this order may be given by using the means of communication established.

19. To warn an aircraft that it is in the vicinity of prohibited area and should change its course, the following signals shall be used:

- (a) By day: a series of projectiles discharged at intervals of ten seconds, each showing, on bursting, orange smoke.
(b) By night: a series of projectiles discharged at intervals of ten seconds, showing, on bursting, orange lights or stars.

Provided that, when the authority who desires to prescribe the change of course referred to in this paragraph is able to

establish a radioelectric communication with the aircraft, this order may be given by using the means of communication established.

Section III

GENERAL RULES FOR AIR TRAFFIC

20. Subject to the provisions of paragraphs 27 and 33 (a) of this Part, mechanically driven aerodynes shall always give way to aerodynes not mechanically driven and to aerostats, and mechanically driven aerostats to aerostats not mechanically driven and to aerodynes.

21. An airship which is under way and which is not under control (or which has voluntarily stopped its engines) shall, for the application of the rules of this Section, be classed as a free balloon.

22. When circumstances permit, an aircraft can ascertain risk of collision with another aircraft by carefully watching the successive compass bearings and angles of elevation of the latter. It shall consider that risk of collision with this other aircraft exists if neither the bearing nor the angle of elevation changes appreciably and if the distance between the two aircraft diminishes.

The term "risk of collision" includes all risk of accident due to undue proximity of other aircraft.

23. Every aircraft which is required by the rules of the foregoing paragraphs of this Section to give way to another to avoid collision, shall keep a safe distance, having regard to the circumstances of the case.

24. While observing the provisions relative to risk of collision contained in paragraphs 22 and 23 above, a mechanically driven aircraft must always manoeuvre according to the rules contained in paragraphs 25 to 29 hereafter, as soon as it is apparent that, if it pursued its course, it would not pass clear of another aircraft.

25. When two mechanically driven aircraft are meeting end on or nearly end on, each shall, without prejudice to the application of the provisions of paragraph 20 of the present Part, alter its course to the right.

26. Subject to the application of the provisions of paragraphs 20 and 33 (c) of this Part, when two mechanically driven aircraft are on courses which cross, the aircraft which has the other on its own right side shall keep out of the way of the other.

27. An aircraft overtaking any other shall keep out of the way of the overtaken aircraft by altering its own course to the right, and must not pass by diving.

Every aircraft coming up with another aircraft from any direction more than 110° from ahead of the latter, i.e., in such a position with reference to the aircraft which it is overtaking that at night it would be unable to see either of that aircraft's side lights, shall be deemed to be an overtaking aircraft, and no subsequent alteration of the bearing between the two aircraft shall make the overtaking aircraft a crossing aircraft within the meaning of these rules, or relieve it of the duty of keeping clear of the overtaking aircraft until it is finally past and clear.

As by day the overtaking aircraft cannot always know with certainty whether it is forward or abaft the direction mentioned above from the other aircraft, it should, if in doubt, assume that it is an overtaking aircraft and keep out of the way.

28. Every aircraft which is obliged by the rules of this Part to keep out of the way of another aircraft shall, if the circumstances of the case admit, avoid passing over or under the other, or crossing ahead of it.

29. Where, by any of the rules of this Part, one of two aircraft is to keep out of the way, the other shall keep its course and speed. When, however, in consequence of thick weather or any other cause, the aircraft having the right of way finds itself so close that collision cannot be avoided by the action of the giving-way aircraft alone, it shall take such action as will best aid to avert collision.

30. Every aircraft in a cloud, fog, mist or other conditions of bad visibility, shall proceed with due care, regard being had to the existing circumstances.

Every aircraft flying beneath clouds shall always do so, so far as it is safe and practicable, at such a distance below the clouds as will enable it readily to see and be seen.

31. In order to obviate the increased risk of collision which exists on air traffic routes, the following rules shall be observed by aerodynes and airships when flying on or in the vicinity of such routes:

- (a) An aircraft flying by compass along the straight line (rhumb line) joining two points on an air traffic route in common use, shall keep such line at least 1 mile on its left;
- (b) An aircraft following, either an officially recognized air traffic route, or a route frequented by an aircraft and indicated on the ground by a line of landmarks such as a road, railway, river, canal, coastline, etc., shall keep such route at least 1,000 feet on its left;
- (c) An aircraft shall not fly keeping on its right any of the lines or routes referred to in this paragraph, except at a distance therefrom sufficient to avoid aircraft following such lines or routes in accordance with the rules of this paragraph;
- (d) An aircraft crossing one of the lines or routes referred to in this paragraph shall cross it at right angles as rapidly as possible;
- (e) In the case of pre-arranged flights in group formation, the aircraft of the leader of the group shall lead the flight in such a manner that every aircraft in the group can comply with the above rules of this paragraph.

32. To facilitate the application of the rules for air traffic contained in this Part, the pilot of a mechanically driven aerodyne shall, save in exceptional circumstances, be placed either in the plane of symmetry of the aerodyne or on the left-hand side of such plane.

Section IV

SPECIAL RULES FOR AIR TRAFFIC ON AND IN THE VICINITY OF ALL AERODROMES

33. The rules of this Section shall be applied on and in the vicinity of all aerodromes:

- (a) Aircraft about to land on an aerodrome shall be given free way;
- (b) An aircraft about to take off shall not attempt to do so until there is no risk of collision with another aircraft;
- (c) In the case of two mechanically driven aerodynes approaching an aerodrome for the purpose of landing, the aerodyne flying at the greater height shall be responsible for avoiding the aerodyne at the lower height, but the latter shall, if the contingency arises, comply with the provisions of paragraph 27 of this Part.

Section V

SPECIAL RULES FOR AIR TRAFFIC ON AND IN THE VICINITY OF AERODROMES OPEN TO PUBLIC USE

A.—General

34. (a) The rules of this Section shall be applied on and in the vicinity of aerodromes open to public use.

They concern only land and water aerodromes for mechanically driven aerodynes, which are designated in this Section by the single word "aerodynes".

- (b) Aerodynes not mechanically driven on and in the vicinity of aerodromes open to public use shall comply with the rules of this Section as far as possible.

35. The application of the rules of this Section may be temporarily suspended by the Minister, partially or wholly, in respect of a given aerodrome.

In such cases the suspension shall be indicated by the appropriate signals provided for in paragraph 13 (c) of this Part.

36. At land aerodromes, a neutral zone, situated along the perimeter of the landing area and at the approaches to the hangars, may be set apart for aerodynes manoeuvring on the ground.

B.—Flight Over or in the Vicinity of the Landing Area

37. Subject to any special local regulations which may exist:

- (a) Flight over a landing area at a lower height than 2,000 feet is prohibited for aerodynes, save in the case of a departure or landing;
- (b) Every aerodyne flying outside a landing area at a distance of less than 6,000 feet from the nearest point of such area shall, unless it is flying at a greater height than 2,000 feet, keep the landing area on its left.

38. Aerodynes are prohibited from engaging in aerial acrobatics in the vicinity of aerodromes, at a distance of less than five miles from the nearest point of the perimeter of the aerodrome, unless they are flying at a greater height than 6,000 feet.

39. When an aerodyne is about to land by means of a radioelectric guide, other aerodynes, in order to avoid collision, must conform to any local rules in force which may be applicable or, in default of such rules, fly as low as possible below the clouds.

40. No fixed balloon or kite shall be elevated in the vicinity of an aerodrome without a special authorization.

C.—Rules to be Observed for Departures and Landings

41. If an aerodyne starting from or about to land on an aerodrome makes a circuit or partial circuit, the turning must be made clear of the landing area and must be left-handed (anti-clockwise), so that during such circuit the landing area shall always be on its left.

As an exception, the turning must be right-handed when the signal indicated in paragraph 13 (c) (2) or in paragraph 13 (c) (3) of this Part is displayed.

42. (a) Every aerodyne taking off from or landing at an aerodrome shall do so upwind, except when the natural conditions of the aerodrome do not permit. If, however, there is a landing T as provided for in paragraph 13 (a) (2) of this Part, or a line of lights as provided for in paragraph 14 II (d) (2) of the said Part, the aerodyne shall take off or land in the direction indicated by this T (i.e. by following the direction of the long arm of the T towards the cross arm of that T) or by the line of lights;
- (b) Landings shall be preceded by a descent in a straight line, commencing at least 3,000 feet outside the perimeter of the landing area;
- (c) Every aerodyne landing at an aerodrome shall leave clear on its left any aerodyne which has already landed or is already landing, or which is taking off or about to take off;
- (d) Every aerodyne taking off from an aerodrome shall leave clear on its left any aerodyne which is already taking off;
- (e) In observing the rules of this paragraph, every aerodyne, when landing or taking off, shall leave a reasonable space on its right for other aerodynes to land or take off;
- (f) At an aerodrome, taking off or landing simultaneously by two or more aerodynes, unless pre-arranged, is prohibited;
- (g) For the purposes of this paragraph, two or more aerodynes taking off or landing simultaneously by pre-arrangement shall be regarded as a single aerodyne.

43. By way of exception, at certain aerodromes, the landing area may be regarded as divided into two approximately equal zones, by a vertical plane in the direction of departure and landing defined in paragraph 42 (a) above. For an observer facing in the direction towards which departures and landings are to be made, the zone on the right will be the one reserved for landings and the zone on the left the one reserved for departures. This special arrangement must be indicated by the signal provided for in paragraph 13 (b) of this Part.

Every aerodyne landing at one of these aerodromes shall do so in conformity with the provisions of paragraph 42 (a) and (b) above, as far as possible to the left in the zone reserved for that purpose, but leaving clear on its left any other aerodyne which has already landed or which is landing.

Every aerodyne taking off from one of these aerodromes shall do so in conformity with the provisions of paragraph 42 (a) above, as far as possible to the left in the zone reserved for that purpose, but leaving clear on its left any other aerodynes which are already taking off.

44. On land aerodromes having a ground control, no aerodyne having proceeded on to the landing area with the intention of taking off shall take off until it has received permission to do so by the signal prescribed in paragraph 16 (a) (2) or 16 (b) (2) of this Part.

D.—Rules to be Observed for Manoeuvres on the Ground

45. (a) Land aerodromes.

Every aerodyne moving on the ground in the landing area shall normally do so in the direction of landing. It may, however, in order to shorten its course, cross the landing area to reach its take-off point or the boundary, provided that, in the course of such movement, turns are always made to the left, that it gives free way to every aircraft leaving or landing, and that it conforms to the general air traffic rules (paragraphs 25 to 29 of this Part).

(b) Water aerodromes.

The rules for land aerodromes contained in sub-paragraph (a) above apply equally to water aerodromes, subject, however, to the provisions contained in paragraph 47 of this Part.

46. On aerodromes having a ground control, in addition to the observance of the rules of paragraph 45 above, no aerodyne shall proceed on to the landing area until it has received permission to do so by the signal prescribed in paragraph 16 (a) (1) or 16 (b) (1) of this Part.

Section VI

RULES RELATING TO AIRCRAFT ON THE SURFACE OF THE WATER

47. Every aircraft manoeuvring under its own power on the water shall conform to the International Regulations for Preventing Collisions at Sea, and for the purposes of the said regulations shall be deemed to be a steam vessel.

Provided that:

- (a) In conforming with the above-mentioned regulations, it shall be borne in mind that steam vessels in narrow channels are not able to manoeuvre so as to avoid collisions with aircraft;
- (b) The aircraft shall carry only the lights specified in Section I of this Part, and not those prescribed for steam vessels in the said International Regulations for Preventing Collisions at Sea.

Section VII

MISCELLANEOUS PROVISIONS

48. The dropping of ballast other than fine sand or water from aircraft in the air is prohibited.

49. In conforming with the rules of Sections III, IV and V of this Part, due regard shall be had to all dangers of navigation and collision and to any special circumstances which may render a departure from these rules necessary in order to avoid immediate danger.

50. When an aircraft of a contracting State is in the territory of a non-contracting State, the provisions of this Part shall apply to it only in so far as they do not conflict with the laws of that non-contracting State.

PART VI

DAINGEROUS FLYING

1. No aircraft shall fly over any city, town or village except at such an altitude as will enable the aircraft to alight outside the city, town or village should the means of propulsion fail through mechanical breakdown or other cause, except for the purpose of alighting at or immediately after taking off from a licensed airport.

2. No person in any aircraft shall—

- (a) carry out any acrobatic flying over any city or town area or populous district; or
- (b) carry out any acrobatic flying or exhibition flying over any regatta, race meeting, or meeting for public games or sports, except when especially arranged for in writing by the promoters of such regatta or meeting and authorized by the Minister; or
- (c) carry out any flying which, by reason of low altitude or proximity to persons or dwellings, is dangerous to public safety; or
- (d) drop or cause or permit to be dropped from an aircraft any article capable of causing injury or damage, except mail with the authority of the Postmaster General, and emergency supplies.
- (e) Unless he is an authorized flying instructor actually engaged in giving dual instruction or is alone in the aircraft, permit or cause such aircraft to roll, spin, loop or execute any other evolution involving unnecessary risk.

3. No person shall enter or attempt to enter any aircraft in flight or leave or attempt to leave any aircraft in flight except for the purpose of making a parachute descent; or give upon any aircraft in flight, any gymnastic or other like exhibition.

PART VII

COMMERCIAL AIR SERVICES

1. In this Part, unless the context otherwise requires:

- (a) "air carrier" means any person who operates a commercial air service;
- (b) "commercial air service" means any use of aircraft in or over Canada for hire or reward.

2. No air carrier shall operate any commercial air service unless and until an operating certificate has been issued by the Minister to such air carrier certifying that the holder is adequately equipped and able to conduct a safe operation as an air carrier over the prescribed route or in the prescribed area.

3. The operating certificate referred to in paragraph 2 of this Part shall be in such form as the Minister may approve, and shall contain such terms and conditions as the Minister may prescribe for the operation of the service.

PART VIII

GENERAL PROVISIONS

- NB
1. (1) No aircraft carrying explosives shall carry a passenger other than the owner of the explosives or his accredited representative.

This regulation does not apply to ammunition permitted for hunting or sporting purposes or required as emergency equipment.

- (2) No person shall send or take upon any aircraft any explosives without distinctly marking their nature on the outside of the package containing the same and otherwise giving notice of the same to the person in charge of the aircraft whose duty it is to receive such goods.

2. No aircraft shall carry any mails without the written authority of the Postmaster General.

3. No commercial aircraft carrying passengers shall take off or alight after dark at an unlighted airport, and no aircraft carrying passengers shall fly by night over any route which is not adequately lighted and approved for night flying by the Minister.

4. No person shall install or work any radiotelegraph or radiotelephone apparatus in any aircraft registered in Canada except in accordance with the terms of a licence granted by the Minister, and no person shall work any radiotelegraph or radiotelephone apparatus on any aircraft except in accordance with the provisions of the International Telecommunication Convention for the time being in effect in Canada and of such regulations made in accordance therewith as may be subscribed to by the Government of Canada.

5. (1) No aircraft shall fly over any area defined by Order in Council as a prohibited area under these regulations or so near thereto that the angle between the perpendicular and a line from the aircraft to the nearest point of such prohibited area is less than twenty degrees provided that, when in any area or district whatsoever, any race, contest, exhibition or event of public interest is held or takes place, the provisions of this paragraph shall apply with respect to such area or district and to such type or types of aircraft both as may be specified by the Minister to the same extent as if said area or district had been defined by Order in Council as a prohibited area.

- (2) No photographic apparatus shall be installed in, nor shall any photographs be taken from, any aircraft while operating in or over Canadian territory, unless such aircraft is registered in Canada or in another of His Majesty's Dominions, Colonies or Possessions.

- (3) No aircraft shall fly over any penitentiary in Canada, or over any prison or public institution or lands appertaining thereto as may be designated for the purpose of a penitentiary by the Governor in Council pursuant to the Penitentiary Act, and no aircraft shall be used for the purpose of obtaining any information whatsoever in regard to any such penitentiary, prison or public institution or lands appertaining thereto, or in regard to any fortress, arsenal, factory, dockyard, camp, ship, office or other like place in Canada belonging to His Majesty or for the making of any photographs, sketches or plans of any such place or places without permission of the Minister.

6. (1) No registered commercial aircraft shall commence a flight unless during the preceding thirty hours' flight time or in any event during the preceding seven days it has been duly certified as airworthy, in the log book of the aircraft, by an Air Engineer.

(2) No registered commercial aircraft engaged in a Scheduled Air Transport Service shall commence a flight unless it has been inspected and duly certified as airworthy, during the preceding twenty-four hours' elapsed time, by an Air Engineer.

(3) If the Minister has reason to believe, on complaint or otherwise, that an aircraft within Canada is intended or is about to proceed on any flight in contravention of these regulations or while in a condition unfit for flight, he may give such directions and take such steps, by way of provisional detention of the aircraft, or otherwise in relation thereto as may be necessary for the purpose of causing the circumstances relating to the flight to be investigated, or the aircraft to be inspected by authorized representatives of the Minister, and may, upon the result of such investigation or inspection, cause the aircraft to be detained until he is satisfied that the regulations are being complied with, or until such alterations or repairs as he may consider necessary to render the aircraft fit for flight have been made.

(4) No person acting as, or carried in an aircraft for the purpose of acting as pilot, engineer or operating member of the crew thereof, shall, while so acting or carried, be in a state of intoxication, or in a state in which, by reason of his having taken or used any sedative, narcotic, stimulant, drug or preparation, his capacity to so act is impaired.

7. The taking off of an aircraft shall be conclusive evidence of its acceptance by the pilot as airworthy. The pilot shall be responsible that the gross weight does not exceed that specified in the Certificate of Airworthiness, that the load is properly disposed and secured and that the aircraft is fit in all respects for the flight planned.

8. (1) An aircraft may be required to alight by any officer of or other person authorized by the Minister or by any officer of customs or immigration or by any officer of the Royal Canadian Air Force on duty as such, and every aircraft to which a signal to alight is made shall forthwith do so at the nearest practicable place to that from which the signal to alight is made, unless the signal is made from within a prohibited area in which case the aircraft shall alight as near as practicable to, but not within, such area.

(2) Any person not within one of the classes described in this paragraph who, without good and sufficient cause, makes any signal to alight shall be guilty of a breach of these regulations, and the onus shall be upon such person to establish that he had such good and sufficient cause.

9. Every aircraft in flight shall have on board its certificate of registration, the certificate of airworthiness, if any, the licences of all the members of the crew requiring licences, the authority and licence for the equipment and working of the wireless installation, if any, and a journey log book containing the following particulars:—

(a) The category to which the aircraft belongs, its nationality and registration marks; the full name, nationality and residence of the owner; the name of the maker, the description and the carrying capacity of the aircraft;

- (b) In addition for each journey:
 - (i) The name of the pilot;
 - (ii) The number of passengers;
 - (iii) The place, date and hour of departure and of arrival, including intermediate alightings.

10. (1) There shall also be kept for every commercial aircraft:

- (a) An aircraft log book which shall contain the following particulars:
 - (i) Category to which the aircraft belongs; its nationality and registration marks; full name, nationality and residence of the owner; name of maker; carrying capacity of the aircraft;
 - (ii) Type and series number of engine; type of propeller showing number, pitch, diameter and maker's name;
 - (iii) Type of wireless apparatus fitted;
 - (iv) Table showing the necessary rigging data for the information of persons in charge of the aircraft and of its maintenance;
 - (v) A fully detailed engineering record of the life of the aircraft, including all acceptance tests, overhauls, replacements, repairs and all works of a like nature.

(b) An engine log book for each engine, which shall contain the following particulars:

- (i) Type of engine, series number, maker's name, power, normal and maximum revolutions of engine, date of production and first date put into service;
- (ii) Registration mark and type of aircraft in which the engine has been installed;
- (iii) A fully detailed engineering record of the life of the engine, including all acceptance tests, hours run, overhauls, replacements, repairs, and all work of a like nature.

(2) Entries in log books shall be made in ink as soon as possible after the events they record. Entries to be made in the journey log book may be first made in a rough note book, but shall be permanently entered within twenty-four hours after the events recorded. The first entries in the aircraft and engine log books shall be made by the constructor; subsequent entries in these log books and all entries in other log books shall be made by the pilot or other competent person. All entries shall be signed by the person by whom they are made. No erasures shall be made in, nor any leaf torn from any log book.

(3) Log books shall be preserved for two years after the last entry.

11. A copy of the two last preceding paragraphs shall be inserted in every log book.

12. The owner of every commercial aircraft shall annually, on or before the 31st day of January in each year, make a return to the Minister, giving such particulars with regard to the operation of the aircraft as the Minister may prescribe.

13. Every person required to hold a certificate under these regulations, and the owner or pilot of any aircraft, or the operator of any airport, shall produce his certificate or the certificate or licence issued in respect of such aircraft or airport at any time on demand by any peace officer or any officer of customs or immigration or any officer of, or other person authorized by, the Minister. The owner or pilot of an aircraft shall produce, upon the like demand, all log books (including any rough note books) and other papers kept in relation to such aircraft.

14. Any cancelled or expired certificate or licence shall be forthwith delivered up to the Minister by the person to whom it was issued.

15. (1) No aircraft of a state with which Canada has not concluded a convention relating to interstate flying shall fly over or alight in Canada except with the express written permission of the Minister.

(2) No aircraft shall engage in the carriage of persons or goods for hire between points in Canada unless it is registered as a commercial aircraft in Canada or in some other of His Majesty's Dominions, Colonies or Possessions, nor shall any aircraft carry out any operation for remuneration or reward wholly within Canada unless it is registered as a commercial aircraft in Canada, in some other of His Majesty's Dominions, Colonies or Possessions, or in a contracting State.

(3) In these regulations references to persons carried for hire or reward include references to persons carried in aircraft for the purposes of instruction in flying for which payment is made.

16. If any aircraft flies in breach of these regulations the owner of the aircraft, as well as the pilot thereof and any other member of the crew who has been a party to the breach, shall be liable therefor. If a breach of these regulations relates to the use of an aerodrome, the operator thereof shall be liable, if such operator permitted or could reasonably have prevented such breach.

17. Any person who obstructs or impedes any person in the exercise of his powers and duties under these regulations shall be guilty of a breach thereof.

18. Failure to observe or comply with the conditions upon which any certificate or licence is issued shall be deemed to be a breach of these regulations.

19. The owner of every aircraft shall upon notice by mail to his registered address from any officer or other person authorized by the Minister advise such officer or other person of the then condition and station of the aircraft.

20. (1) If any person is killed or injured because of or on board any aircraft, it shall be the duty of the pilot and of the owner thereof forthwith to report the date and place of the accident by telegram and full particulars thereof by mail to the Minister provided that the performance of these obligations by either the pilot or the owner shall relieve the other of them.

(2) In the case of an aircraft registered in Canada being damaged to such an extent that repairs other than ordinary running repairs or replacements are necessary, the owner or pilot thereof shall notify the Minister forthwith, giving particulars of such damage.

(3) No aircraft involved in any accident causing death or injury to any person shall be removed or otherwise interfered with, without permission from the Minister.

Provided, however, that the aircraft or any part thereof may be displaced or removed as may be necessary to extricate persons, to remove mails, to prevent destruction by fire or other cause, or to avoid danger to persons or property.

21. (1) The Minister may constitute or authorize the constitution of Boards of Enquiry of one or more members for the purpose of investigating

the circumstances of any accident or of any alleged breach of these regulations, and any Board of Enquiry so constituted shall have power to take evidence upon oath or otherwise.

(2) Every person required to give evidence before a Board of Enquiry shall attend and give evidence upon being so required by writing under the hand of any member of the Board.

(3) Any person who attends and gives evidence before any such Board of Enquiry shall be entitled to receive witness fees and travelling expenses according to the tariff of fees payable to witnesses in the Superior Court of the Province in which such evidence is given.

22. Nothing in these regulations shall exonerate any aircraft or the owner, pilot or crew thereof, from the consequences of any neglect in the use of lights or signals, or of any neglect to keep a proper lookout, or of the neglect of any precaution which may be required by the ordinary practice of the air, or by the special circumstances of the case.

23. In conforming with these regulations due regard shall be had to all dangers of navigation and collision, and to any special circumstances which render a departure therefrom necessary in order to avoid immediate danger, and it shall be a good defence to any proceedings for a breach of these regulations if it is proved to have been due to stress of weather or other unavoidable cause.

24. These regulations do not apply:

- (a) to military aircraft of His Majesty when manoeuvring as directed by an officer of any British Air Force in the course of his duty as such officer;
- (b) to foreign military aircraft flying over or alighting in Canada in accordance with the terms of any special permission; or
- (c) to other aircraft or to persons or aerodromes to the extent to which they have been relieved by the Minister from compliance therewith.

